

Dated: 01/06/10

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
COMMISSARY OPERATIONS, INC.,	)	CASE NO. 308-06279
	)	CHAPTER 11
Debtor.)	
	)	JUDGE MARIAN F. HARRISON
)	
COMMISSARY OPERATIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
DOT FOODS, INC.,	)	Adv. Pro. No.: 309-00280A
SUGAR FOODS CORPORATION,	)	Adv. Pro. No.: 309-00282A
ARCOBASSO FOODS, INC.,	)	Adv. Pro. No.: 309-00287A
NEW CITY PACKING COMPANY,	)	Adv. Pro. No.: 309-00290A
INC.,)	
SCA TISSUE NORTH AMERICA, LLC,	)	Adv. Pro. No.: 309-00295A
H.J. HEINZ COMPANY, L.P.,	)	Adv. Pro. No.: 309-00297A
GEORGIA PACIFIC CONSUMER	)	Adv. Pro. No.: 309-00300A
PRODUCTS, LP, ET AL,)	
ECOLAB, INC.,	)	Adv. Pro. No.: 309-00301A
CONAGRA FOODS, INC., ET AL,	)	Adv. Pro. No.: 309-00303A
NATIONAL STEAK PROCESSORS,)	
INC., d/b/a NATIONAL STEAK AND)	
POULTRY,	)	Adv. Pro. No.: 309-00306A
ALLEN'S, INC.,	)	Adv. Pro. No.: 309-00309A
ROCKY MOUNTAIN NATURAL)	
MEATS, INC.,	)	Adv. Pro. No.: 309-00315A
SUPERIOR DAIRY, INC., and	)	Adv. Pro. No.: 309-00327A
RYDER TRUCK RENTAL, INC.,	)	Adv. Pro. No.: 309-00332A
)	
Defendants.)		

ORDER

In accordance with the Memorandum Opinion entered contemporaneously with this Order, the debtor's motions for declaratory judgment are **DENIED**, the defendants' objections to the debtor's motions are **SUSTAINED**, and the defendants' motions for partial summary judgment are **GRANTED**. Specifically, deliveries entitled to 11 U.S.C. § 503(b)(9) claim status are not disqualified from constituting new value for purposes of 11 U.S.C. §§ 547(a)(2) and 547(c)(4), as a matter of law.

IT IS SO ORDERED.

**This Order was signed and entered electronically as indicated
at the top of the first page.**

2 - U.S. Bankruptcy Court, M.D. Tenn.

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.